

Amendments to the Drawings

Attached are replacement sheets 1 through 9. Fig. 7 has been amended (sheet 9/9) to overcome Examiner's objections.

Att.

Replacement Sheets 1-9

REMARKS

Drawings

The figure 7 of the drawings has been amended to meet the objections thereto. A replacement sheet is filed with this amendment.

Abstract

The abstract has been amended and is submitted herewith.

Claim Rejections - 35 USC § 112

Claim 3 has been amended to meet the objection to insufficient antecedent basis.

Claim Rejections – 35 USC §103

The Examiner rejects claims 1, 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (“APR”) in view of Felix et al (U.S. 6,233,231, “Felix”).

The Examiner states that APR teaches transmitting to a user a respective set of nodes of a code tree comprising a defined path of the tree for the user, with a set of nodes for a first user having a member in common with a set of nodes for a second user. The Examiner refers to items in Figures 2 and 3 and associated description in support of this view.

Applicant respectfully disagrees with the Examiner’s assessment as to the teaching of APR.

With reference to Figure 2, firstly, an origin node is defined for a first user, at step 206 and then a branch reserved for that user at step 208. Thus, in Figure 3, the first user is allocated node C4,1 as its origin node U10. All other nodes upward and downward from this are reserved, designated as RU1 in Figure 3. This is the reserved branch for the first user.

The process is repeated for the second user, which is initially allocated an origin node at C4,1. However, at step 212, it is determined that this origin node clashes with a node of the reserved branch for the first user. Thus, step 216 redefines the second user's origin node and it is eventually defined as node C 4,2, shown as U20 on Figure 3. Again, all other nodes upward and downward from the defined origin node are reserved, shown as RU2 in Figure 3 to give a reserved branch for the second user.

Figure 3 reveals that there are nodes belonging to reserved branches that are common for both first and second users, for example, C2,1, as noted by the Examiner.

Following definitions of origin nodes for each user, and reservations of branches, the next stage is to define a path for each user at step 222. The lengths of the paths are determined by the required spreading factors to be supported. In the particular example given, first and second users each have a minimum spreading factor of 4. Thus, the path for each one cannot include the C2,1 node, because the spreading factor of this node is 2. The path for the first user consists of nodes C4,1 and C8,2. The path for the second user consists of nodes C4,2; C8,3; and C16,5. Each path is a subset of the nodes included in the respective reserved branch. The nodes belonging to a path are denoted by surrounding circles in Figure 3. Note that each of the nodes included in a path is only included in a single path. There is no node which is included in two or more paths.

Following the path definition step at 224 of Figure 2, for each user, a particular node from its defined path is selected. Then the communication with the users proceeds. The communication procedure is shown in Figure 6. Note that in step 610, the selected node only of the code path allocated to the user is communicated to the user. Only one node is selected and communicated to the user (page 14, lines 17 to 23).

From the foregoing, it will be appreciated that in APR, there is no transmission of a set of nodes to a user, contrary to what is suggested in the Office Action. Only one node of a

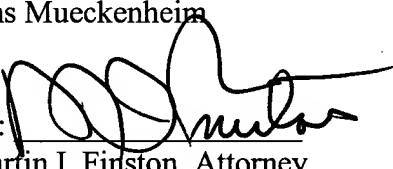
path is transmitted for each user, not a set of nodes of a code tree comprising a defined path of the tree for the user. Furthermore, the transmitted node is only associated with a single path. There are no nodes which are common to paths for more than one respective user.

Thus, APR and Felix cannot be combined to arrive at the present invention in the manner suggested by the Examiner because APR does not teach what the Examiner states.

Accordingly, it is believed that claims 1,2 and 4 do patentably distinguish over any combination of the teaching of APR and Felix. The remaining claims are indirectly dependent on allowable claim 1, and for this reason at least are also allowable.

It is submitted that with this amendment, the application is in order for allowance. Thus, reconsideration of this application is respectfully requested. If the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned at 973-386-3147.

Respectfully submitted,
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Att.
9 Sheets Replacement Drawing

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